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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:20-cr-00273-JCM-BNW

Plaintiff,

## **Motion to Extend Filing of the Objections to the Report and Recommendation (First Request)**

V.

THOMAS HOOVER,

Defendant.

Certification: This motion is timely.

The government seeks a one-week extension to file its objections to the report and recommendation recommending this Court grant defendant's motion to suppress. *See* ECF No. 87.

## II. BACKGROUND

On October 6, 2020, Hoover was indicted and charged with one count of *Felon in Possession of a Firearm*, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). ECF No. 1. On January 31, 2022, Hoover filed a motion to suppress. ECF No. 54. On February 28th, the government filed its response. ECF No. 62. On March 14th, Hoover filed his reply. ECF No. 68. On April 19th, an evidentiary hearing was held on the motion to suppress. ECF

1 No. 71. On May 19th, Hoover and the government simultaneously filed supplemental  
2 briefing on the motion to suppress. ECF No. 80 and 81.

3 Subsequently, the initial government attorney who litigated the motion to dismiss  
4 was re-assigned to the District of Columbia for a detail assignment. On May 25th, the  
5 undersigned government attorney filed a notice of appearance. ECF No. 82. On July 13th,  
6 the Magistrate Court entered its Report and Recommendation on the motion to suppress,  
7 recommending this Court grant Hoover's motion to suppress. ECF No. 87. The deadline  
8 for the objections to be filed is currently scheduled for July 27th. The government intends  
9 to file objections to the report and recommendation. However, the undersigned  
10 government counsel was out of the office from July 15th through July 20th and was  
11 unable to review the filings and transcript of proceedings on the motion to suppress until  
12 they returned.

13 On July 20th, Hoover filed a Motion to Reopen Detention Hearing. ECF No. 89.  
14 On July 21st, the Magistrate Court ordered the government to file its response to the  
15 motion to reopen detention on an expedited basis, setting the deadline for Monday July  
16 25th. ECF No. 90. The Court also ordered a hearing to be held on Wednesday July 27th.  
17 ECF No. 90. The undersigned counsel is scheduled to be in Reno, Nevada on Monday  
18 July 25th on work-related travel, but still intends to file its response to the motion to  
19 reopen detention on Monday. The government requested Hoover agree to a stipulation to  
20 continue the government's objections to the report and recommendation due to the  
21 expedited litigation schedule for the second motion and to allow the newly assigned  
22 government attorney time to adequately prepare its objections to the report and  
23 recommendation. Defense counsel indicated she could not stipulate to a continuance but  
24 would not oppose a motion to continue. Defense counsel indicated she would not agree to

1 the government filing the instant motion “unopposed,” but that she would indicate in her  
2 response that she does not oppose the government’s request and would defer to the court.

3 Trial is currently scheduled for September 26, 2022. ECF No. 88.

### 4 **III. POINTS AND AUTHORITIES**

5 Under Local Rule IB 3-2, any party wishing to object to a magistrate judge’s  
6 findings recommendations within 14 days after service of the findings and  
7 recommendation. Under Local Rule IA 6-1, a party may seek extension of time through a  
8 motion. This is the first motion to extend the deadline to file objections to a report and  
9 recommendation.

10 The current government attorney was not the original assigned attorney who  
11 litigated the motion to suppress. The newly assigned government attorney needs  
12 additional time to review the motion, response, reply, evidentiary hearing transcript, and  
13 supplemental briefing by both parties, to adequately research legal issues presented in the  
14 report and recommendation, and to draft and file its objections to the report and  
15 recommendation. Due to previously scheduled travel, the government attorney was out of  
16 the office from July 15th through July 20th. While the government was still out of the  
17 office, Hoover filed a motion to reopen detention hearing. The following day, the Court  
18 set an expedited briefing and hearing schedule on the motion to reopen detention.  
19 Government counsel will also be out of the district on Monday, July 25th for another  
20 work-related trip. The government is not seeking a continuance to delay the proceedings,  
21 but simply needs additional time to review the case thoroughly, properly research the legal  
22 issues, and effectively draft its objections to the report and recommendation. Defense  
23 counsel has indicated she will defer to the Court in its determination and does not actively  
24 oppose this motion.

## IV. CONCLUSION

For all of the above reasons, the government respectfully requests this Court grant it's motion for a one-week extension to file its objections to the report and recommendation.

DATED this 22nd day of July, 2022.

JASON M. FIRERSON  
United States Attorney

/s/ *Bianca R. Pucci*

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BIANCA R. PUCCI  
Assistant United States Attorney

## ORDER

## IT IS SO ORDERED

**DATED:** 3:31 pm, July 26, 2022

Herb Weksler

**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**